REMARKS

This paper is responsive to an Official Action that was issued in this case on August 10, 2005. In that Action, the Office rejected claims 20 and 22-40 under 35 USC §§ 102 and 103 as being either anticipated or obvious over U.S. Published Patent Application 2003/0014318 to De La Motte *et al.* ("De La Motte")[1].

Responsive to the Action, Applicant hereby amends claim 31 and cancels claim 33. Claims 20, 22-32, and 34-40 are now in the case. Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

In previous Amendments, the Applicant discussed many of the important aspects of the illustrative embodiment of the invention. For the sake of brevity, they will not be repeated here; the Examiner is referred to the earlier Amendments for background, as desired.

**Claims 20-30 are
Allowable over
De La Motte**

De La Motte discloses a system and method for facilitating transactions involving the sale of goods or services. According to De La Motte, buyers prepare a "Request For Quote" for a product that they desire. To develop the RFQ, a "transaction server" provides the buyer with a list of product-quality characteristics for the desired product. The buyer designates desired minimum ratings for the product-quality characteristics, thereby defining a minimal acceptable product. [De La Motte at 0072.]

The transaction server presents the buyer's RFQ to suppliers located throughout the world. In response, interested suppliers develop quotations or bids to provide the product that is specified in the RFQ at a particular price. The suppliers' bids are then sent to the transaction server for presentation to the buyer, who may accept it or make a counter-offer. [De La Motte at 0031.]

To "ensure" that the suppliers' product meet the RFQ, suppliers periodically submit samples of their products to testing laboratories for analysis. [De La Motte at 0076.] According to the De La Motte, the testing labs "preferably evaluate a sufficient number and distribution of the products to constitute a statistically valid sample of

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[1] While the Summary page of the Official Action indicated that all claims (*i.e.*, claims 20 and 22-40) were rejected, the Detailed Action did not address the rejection of claims 37-40. It is assumed that claims 37 and 39-40 stand rejected under § 102 (De La Motte) and claim 38 stands rejected under § 102 (De La Motte).

the product population .... The product ratings applied by the testing labs may then be incorporated into the suppliers' bids." [De La Motte at 0077.]

Turning now to the claims, claim 20 recites, in pertinent part:

> receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;
> comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase from at least two different suppliers through said data processing system to identify a batch that satisfies said requirement ... ; and
> outputting, from said data processing system, an indicium of said identified batch to said prospective purchaser.

Claim 20 recites the operation of "*comparing, in said data processing system ... said requirement to analyses of batches ... that are available for purchase*". Claim 20 also recites "*outputting ... an indium of said identified batch to said prospective purchaser.*" These limitations are neither disclosed nor suggested by De La Motte.

In particular, in the De La Motte system, there are no analyses that correspond to specific lots of product for sale. De La Motte teaches only <u>statistical sampling</u> of each suppliers' product. There is no guarantee that specific product that a buyer actually purchases has even been analyzed.

Furthermore, De La Motte's transaction server does not perform a comparison of a prospective purchaser's requirement with a product analysis to identify a specific batch that satisfies the requirement. In De La Motte, the transaction server simply presents to the buyer the bids that suppliers provide in response to the buyer's RFQ. The bid itself implicitly attests to the fact that, based on statistical testing, the supplier's product meets the minimum acceptable product-quality characteristics, as defined by the buyer. In fact, De La Motte's transaction server can't perform the claimed comparison because there are no specific analyses of specific batches of product for comparison.

Also, De La Motte does not output an indicium of a batch that satisfies the requirement, as determined by the comparison.

Because De La Motte does not disclose or suggest what is recited in claim 20, that claim is allowable over De La Motte. Since claims 21 through 30 are dependent on claim 20, they are likewise allowable. The recitation of further novel and non-

obvious features in claims 21 through 30 provides an additional basis for the patentability of those claims.   Applicants therefore respectfully request that the rejection of claims 20-30 over De La Motte be withdrawn.

**Claims 31-36 are
Allowable over
De La Motte**

Amended claim 31 recites, in pertinent part:

> outputting, from a data processing system, a uniform standard for a chemical ... ;
> receiving, at said data processing system, a requirement from a prospective purchaser for said chemical ... ; and
> comparing, via said data processing system, said requirement to analyses of a plurality of batches of said chemical that are available for purchase through said data processing system.

As previously discussed, De La Motte does not teach or suggest performing the "comparing" operation recited in claim 31.   Consequently, claim 31 is allowable over De La Motte.   Claims 32-36 are dependent on claim 31, and are therefore allowable on that basis.   Furthermore, these claims recite additional patentable features, which provide a secondary basis for their patentability.

**Claims 37-40 are
Allowable over
De La Motte**

Claim 37 recites, in pertinent part:

> receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;
> comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase through said data processing system to identify a batch that satisfies said requirement ....

De La Motte does not disclose or suggest comparing a prospective purchaser's "requirement" to analyses of batches of the chemicals that are available for purchase through a data processing system.   For this reason, among any others, claim 37 is allowable over De La Motte.
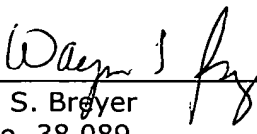
Claim 38-40 are dependent on claim 37, and are therefore allowable on that basis. Furthermore, these claims recite additional patentable features, which provide a secondary basis for their allowability.

Conclusion

It is believed that claims 20, 22-32, and 34-40 now presented for examination are allowable over the art of record. A notice to that effect is requested.

Respectfully,

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